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Follow-up to the outcome of the Millennium Summit

Letter dated 6 April 2006 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the establishment of the Human Rights Council, issued on 16 March 2006 by the Presidency on behalf of the European Union (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the General Assembly.

(*Signed*) Gerhard **Pfanzelter**
Permanent Representative of Austria to the United Nations

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Annex to the letter dated 6 April 2006 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the establishment of the Human Rights Council issued on 16 March 2006 by the Presidency on behalf of the European Union

The European Union welcomes the adoption of the resolution establishing the Human Rights Council by the United Nations General Assembly on 15 March in New York. The establishment of the Human Rights Council is an essential element in further strengthening the United Nations human rights machinery and represents an important step in the United Nations reform process. With the establishment of the Human Rights Council, the world community has shown its commitment to enhance the protection of human rights through constructive engagement and ongoing dialogue within the framework of the United Nations, while putting in place the mechanisms to effectively address and prevent human rights' violations in real time.

Heads of State and Governments resolved last year to create a Human Rights Council as part of the reform process of the United Nations. In line with the Charter of the United Nations, leaders considered that human rights form one of the fundamental pillars of the United Nations system, together with security and development. To this end they decided to double the budget of the Office of the United Nations High Commissioner for Human Rights and started negotiations to put in place a reinvigorated human rights body.

The European Union considers that the resolution represents a genuine effort to enhance the credibility and effectiveness of the multilateral human rights system as we know it today. Not everything the European Union had aimed for was reflected in the final text. However, the European Union considers that the resolution meets the basic requirements which made the text acceptable as a compromise. The European Union regrets that the resolution was not adopted by consensus but welcomes the explicit commitment made by United Nations Member States to support the Human Rights Council and to make it fulfil its promise.

The European Union sees the Human Rights Council as an improvement over the Commission on Human Rights. The resolution contains several elements which will help to improve the credibility and effectiveness of the United Nations human rights system. First, while membership is open to all, members of the Human Rights Council will be held accountable for their commitment to abide by the highest human rights standards. No country will be beyond scrutiny. It is the responsibility of all States to elect those candidates that are best qualified to fulfil the mandate of promoting and protecting human rights. Indeed, the composition of the Council and the quality of its membership will clearly have an impact on the functioning of the Council and the credibility of its work. Therefore, European Union member States have committed themselves not to cast their vote for a candidate that is under sanctions imposed by the Security Council for human rights related reasons. It is also the European Union's firm view that no State guilty of gross and systematic violations of human rights should serve on the Council. The European Union therefore welcomes the possibility given to the General Assembly to suspend, by a two thirds

majority of the members present and voting, the rights of membership in the Council of a member that commits gross and systematic violations of human rights.

Second, the Human Rights Council has the mandate to respond promptly to human rights emergencies and to address situations of violations of human rights. In order to do so, it will meet more often during the year, if need be through special sessions. In this regard, the meeting time of 10 weeks foreseen in the resolution is the strict minimum for the European Union. Also, the novel system of universal periodic review which is to be developed should be time-bound so as to permit the Council to focus on all relevant issues. The Human Rights Council can make recommendations to promote human rights, as well as technical assistance and capacity-building, and promote mainstreaming of human rights within the United Nations, which will allow the Council to make recommendations to all relevant bodies, including the Security Council, and to all Member States. It will serve as a forum for ongoing engagement on human rights questions and situations and thus play an important role in the prevention of human rights violations.

Finally, the Human Rights Council will build on the achievements of the Commission on Human Rights, in particular the system of special procedures and the active participation of non-governmental organizations and other state and non-state observers. Strengthening of these assets is of utmost importance to the European Union. In this respect, and despite the criticism it has attracted, it is worthwhile recalling the historic achievements by the Commission on Human Rights, in particular in the field of standard setting, starting with the Universal Declaration of Human Rights and the establishment of monitoring mechanisms.

The European Union welcomes this unique opportunity to turn the decision of world leaders into reality. The European Union congratulates and thanks all those who worked towards the successful adoption of the resolution, in particular the President of the General Assembly, Mr. Jan Eliasson. The agreement on the new Human Rights Council underlines the willingness of the international community to strengthen the promotion and protection of human rights. The European Union hopes that this commitment will be translated into tangible improvements of the situation of human rights on the ground. Our common wish for enhanced dialogue will also lead to greater understanding and tolerance among all civilizations, cultures and religions. The European Union will make every effort to ensure that the Human Rights Council will be able to fulfil its mandate responsibly and effectively. The European Union will work closely with all United Nations Member States in the implementation of the resolution in order to make sure that the Council will be able to start its work in such a way as to turn our expectations into reality.

The acceding countries Bulgaria and Romania, the candidate countries Croatia,* the former Yugoslav Republic of Macedonia* and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro, and the EFTA countries Iceland and Liechtenstein, members of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this statement.

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* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the stabilization and association process.